

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed December 2, 2005. In order to advance prosecution of this Application, Claim 36, 38, 48, 50, 61, 63, 75, and 80 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 36, 37, 41-43, 45, 48, 49, 53-56, 58, 61, 62, 65, 67-70, 72, 75, 77, 78, 80, 82, and 83 stand rejected under 35 U.S.C. §102(e) as being anticipated by Smith, Jr. Applicant respectfully traverses this rejection.

Independent Claim 36 recites ". . . a voice gateway coupled to the telecommunications switch using the line, the voice gateway operable to receive the incoming call, to detect a unique distinctive ring assigned to the telephone number associated with the incoming call, and to route the incoming call according to the distinctive ring." By contrast, the Smith, Jr. patent does not route the incoming call according to the distinctive ring. The Smith, Jr. patent merely maintains an association between a unique directory number and a corresponding distinctive ring pattern. The home access network controller of the Smith, Jr. patent merely selects the appropriate distinctive ring pattern for the call according to the dialed directory number. The home access network controller of the Smith, Jr. patent uses the directory number of the incoming call to determine how to route the call and not the distinctive ring as required by the claimed invention. No routing of the call takes place in the Smith, Jr. patent based on a detected distinctive ring as the call is provided to all idle analog phones regardless of the distinctive ringing pattern. Thus, the distinctive ring of the Smith, Jr. patent is merely selected based on a directory number associated with the call and does not determine how to route

the incoming call as provided by the claimed invention. The portions of the Smith, Jr. patent cited by the Examiner clearly identify the deficiency of the Smith, Jr. patent. There is no detection performed by home access network controller of the Smith, Jr. patent of a unique distinctive ring for an incoming call. The Smith, Jr. patent merely discloses selection of a distinctive ring based on the directory number in order to ring idle phones.

Independent Claims 48 and 61 recite in general the ability to receive a first incoming call with a first distinctive ring from the line and to route the first incoming call to a first destination according to the first distinctive ring. As stated above, the Smith, Jr. patent uses a directory number associated with the incoming call to identify a distinctive ring to apply to idle phones for the call. The Smith, Jr. patent merely rings the idle phones with a distinctive ring pattern associated with the directory number of the call. There is no disclosure in the Smith, Jr. patent that its controller routes a call based on a distinctive ring.

Independent Claims 75 and 80 recite ". . . to identify an available unbundled line from the plurality of unbundled lines, and to communicate the voice signal to the telecommunications switch using the available unbundled line, wherein a number of customer premises devices is greater than a number of unbundled lines . . ." By contrast, the Smith, Jr. patent does not mention the ability to identify an available unbundled line from a plurality of unbundled lines for communicating a voice signal as required in the claimed invention. The Smith, Jr. patent merely discloses a single ISDN line.

Claims 40, 42, 52, and 66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Jr. in view of Lund.

Independent Claim 36, from which Claims 40 and 42 depend; Independent Claim 48, from which Claim 52 depends; and Independent Claim 61, from which Claim 66 depends, have been shown above to be patentably distinct from the Smith, Jr. patent. Moreover, the Lund patent does not include any additional disclosure combinable with the Smith, Jr. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 40, 42, 52, and 66 are patentably distinct from the proposed Smith, Jr. - Lund combination.

Claims 44, 57, and 71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Jr. Independent Claim 36, from which Claims 44 depends; Independent Claim 48, from which Claim 57 depends; and Independent Claim 61, from which Claim 71 depends, have been shown above to be patentably distinct from the Smith, Jr. patent. Therefore, Applicant respectfully submits that Claims 44, 57, and 71 are patentably distinct from the Smith, Jr. patent.

Claims 46, 47, 59, 60, 73, and 74 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Jr. in view of Pelletier, et al. Independent Claim 36, from which Claims 46 and 47 depend; Independent Claim 48, from which Claims 59 and 60 depend; and Independent Claim 61, from which Claims 73 and 74 depend, have been shown above to be patentably distinct from the Smith, Jr. patent. Moreover, the Pelletier, et al. patent does not include any additional disclosure combinable with the Smith, Jr. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 46, 47, 59, 60, 73, and 74 are patentably distinct from the proposed Smith, Jr. - Pelletier, et al. combination.

Claims 76 and 81 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Jr. in view of Lund. Independent Claim 75, from which Claim 76 depends, and Independent Claim 80, from which Claim 81 depends, have been shown above to be patentably distinct from the Smith, Jr. patent. Moreover, the Lund patent does not include any additional disclosure combinable with the Smith, Jr. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 76 and 81 are patentably distinct from the proposed Smith, Jr. - Lund combination.

Claims 79 and 84 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Jr. in view of Pelletier, et al. Independent Claim 75, from which Claim 79 depends, and Independent Claim 80, from which Claim 84 depends, have been shown above to be patentably distinct from the Smith, Jr. patent. Moreover, the Pelletier, et al. patent does not include any additional disclosure combinable with the Smith, Jr. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 79 and 84 are patentably distinct from the proposed Smith, Jr. - Pelletier, et al. combination.

Applicant notes with appreciation the allowability of Claims 38, 39, 50, 51, 63, and 64 if placed into independent form. Claims 38, 50, and 63 are already in appropriate independent form as required by the Examiner. Therefore, Applicant respectfully submits that Claims 38, 39, 50, 51, 63, and 64 are in condition for allowance.

This Response to Examiner's Final Action is necessary to address the new grounds of rejection raised by the Examiner and the characterization of the cited art in support of the rejection to the claims. This Response to Examiner's Final

Action could not have been presented earlier as the Examiner has only now provided new grounds of rejection for certain pending claims and the current characterization of the cited art in supporting the claim rejections.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
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